

**ORAL ARGUMENT SCHEDULED FOR DECEMBER 11, 2018**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**DUQUESNE UNIVERSITY OF  
THE HOLY SPIRIT,**

**Petitioner,**

**V.**

**NATIONAL LABOR RELATIONS  
BOARD,**

## Respondent

**Nos. 18-1063, 18-1078**

## UNOPPOSED JOINT MOTION TO DIVIDE ORAL ARGUMENT TIME ALLOTTED TO PETITIONER

Pursuant to D.C. Circuit Rule 34(c), Petitioner Duquesne University of the Holy Spirit (“Petitioner”) and Amicus Curiae for Petitioner Association of Catholic Colleges and Universities (“ACCU”) respectfully move for leave to divide the fifteen minutes of oral argument time allotted to Petitioner in this Court’s November 29, 2018 Order (Doc. #1762097) between Stanley J. Brown, counsel for Petitioner, and Erin E. Murphy, counsel for ACCU, with ten minutes allocated to Mr. Brown and five minutes to Ms. Murphy. Granting this motion will not increase the time that the Court has already allotted for argument, and counsel for

Respondent the National Labor Relations Board (“Board”) and Intervenor United Steel, Paper and Forestry, Rubber, Manufacturing, Allied-Industrial and Service Workers International Union, AFL-CIO-CLC, have represented that they do not oppose this motion. Thus, although counsel acknowledge that this request is filed slightly past the 14-day deadline for an amicus motion to participate in oral argument, *see* D.C. Cir. Rule 34(e), there will be no prejudice to the parties or to the Court’s schedule.

ACCU, founded in 1899, is the collective voice of Catholic higher education in the United States. ACCU and its members have a profound interest in the issues raised by the Board’s jurisdictional test as applied to religious education in the United States. ACCU is uniquely positioned to assist the Court in understanding the impact of the jurisdictional test applied by the Board in this case not just on Petitioner, but on religiously-affiliated colleges and universities nationwide. The Court has allowed amici to participate in oral argument in comparable cases. *See, e.g., Point Park Univ. v. NLRB*, No. 05-1060 (D.C. Cir. Jan. 13, 2006) (granting five minutes of petitioner’s oral argument time to amici).

Respectfully submitted,

By /s/ Erin E. Murphy

By: /s/ Stanley J. Brown

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Dated: November 30, 2018

## CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2) because it contains 283 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 32(f).

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the typestyle requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Office Word 2010 in Times New Roman 14-point font.

/s/ Stanley J. Brown

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of November, 2018, a true and correct copy of the foregoing Unopposed Joint Motion to Divide Oral Argument Time Allotted to Petitioner was filed with the Court through the appellate CM/ECF filing system. Service was accomplished via the same on Respondent the National Relations Board and Intervenor United Steel, Paper and Forestry, Rubber, Manufacturing, Allied-Industrial and Service Workers International Union, AFL-CIO-CLC.

/s/ Stanley J. Brown

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